

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

JOHN ANTHONY CASTRO,

Plaintiff,

vs.

Civ. No. 23-766 MLG/GJF

MAGGIE TOULOUSE OLIVER and
DONALD JOHN TRUMP,

Defendants.

ORDER GRANTING LEAVE TO EXCEED PAGE LIMITS

THIS MATTER is before the Court on Defendant Donald John Trump's Amended Motion to Exceed Page Limit [ECF 23], filed October 18, 2023. Plaintiff John Anthony Castro filed his "Objection to Defendant Donald John Trump's Amended Motion to Exceed Page Limit" on October 24, 2023 [ECF 25], and the Court finds no reply necessary. Having considered the Motion, the response in opposition, the record, the relevant law, and being otherwise fully advised, the Court GRANTS the Amended Motion.¹

Defendant Trump filed a previous motion to exceed the page limit established by this District's Local Rules with respect to his "Memorandum in Support of Motion to Dismiss." ECF 16 at 1. The Court summarily denied that request for failure to comply with Local Rule 7.1(a), which requires recitation of a good-faith request for concurrence to a motion. ECF 18 at 1 (citing D.N.M.LR-Civ. 7.1(a)). Denying that motion without prejudice, however, the Court indicated that it would permit the filing of a subsequent motion that complied with Local Rules. *Id.* Defendant Trump's Amended Motion to Exceed Page Limit followed. ECF 23. In this motion, Defendant

¹ The Court does not reach the additional issues raised by Plaintiff in his response brief, such as the timeliness of Defendant Trump's Amended Motion to Dismiss or Defendant Trump's alleged failure to comply with Federal Rule of Civil Procedure 12(g)(2). The Court finds consideration of these issues unnecessary to the resolution of the narrow issue before the Court: permission to exceed page limits.

Trump requests permission “to exceed the page limit with respect to his Memorandum in Support of Motion to Dismiss.” *Id.* at 1. Given his ambiguous reference to a “Memorandum,” it is not immediately clear to which filing the amended motion relates – the newly-filed Amended Motion to Dismiss and Memorandum in Support [ECF 24] or the previously-filed Memorandum in Support of Motion to Dismiss [ECF 15]. However, Defendant Trump’s Amended Motion to Dismiss provides some clarity to the matter by explaining that he “filed [a] Motion to Exceed Page Limitations (see document 23) which has been opposed by Plaintiff Castro” and that if this “Motion is denied, President Trump will file a truncated version of [his] Amended Motion to Dismiss.” ECF 24 at 1. Thus, the Court is satisfied that Defendant Trump’s Amended Motion to Exceed Page Limit is not seeking retroactive permission for filing his thirty-one-page Memorandum in Support of Motion to Dismiss [ECF 15] but that the amended page limit motion instead relates to his Amended Motion to Dismiss [ECF 24], which he filed shortly thereafter.

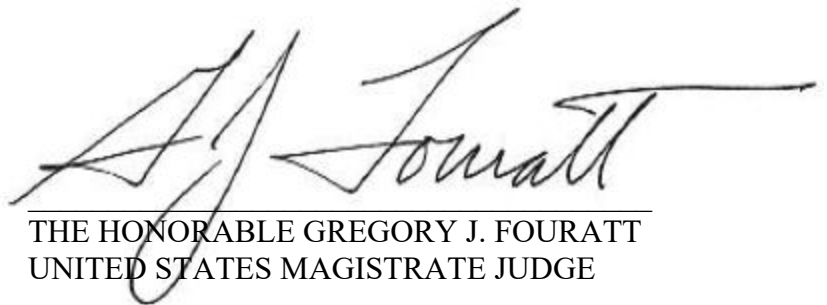
In his Amended Motion to Exceed Page Limit, Defendant Trump submits that four additional pages beyond the twenty-seven allotted by Local Rule 7.5 are necessary to “fully address [in his Amended Motion to Dismiss] Plaintiff’s allegations and the constitutional issues they necessarily implicate.” ECF 23 at 1. If Plaintiff’s claims were to be “credited,” Defendant Trump insists that they “would implicate profound constitutional issues with direct implications by a major party front-runner’s access to the ballot in connection with the upcoming election for the chief executive.” *Id.* Defendant Trump highlights the importance of the jurisdictional issues in his Amended Motion to Dismiss and further suggests that “[t]he non-jurisdictional issues must be raised and argued thoroughly, or Defendant risks waiver under Rule 12(b).” *Id.* at 2. Noting that Plaintiff has filed “identical lawsuits across the country,” Defendant Trump also contends that thorough briefing on the dispositive issues raised in his Amended Motion to Dismiss serves the

interests of judicial economy, as other courts may be confronted with similar issues in suits filed by Plaintiff. *Id.*

Plaintiff's opposition to the requested page limit extension appears to derive from his position that "Defendant . . . Trump has failed to file a timely and valid motion to dismiss" and has, instead, merely filed "a Memorandum . . . without leave to exceed the page limit." *See* ECF 25 at 1. Putting aside the timeliness of Defendant Trump's Amended Motion to Dismiss, the Court is satisfied that Defendant Trump has shown good cause for exceeding the page limit by four pages for that motion. The Court leaves for another day the resolution of Plaintiff's Motion to Strike ECF 15 Memorandum [ECF 19] and Defendant Trump's Amended Motion to Dismiss [ECF 24].

IT IS THEREFORE ORDERED that Defendant Donald John Trump's Amended Motion to Exceed Page Limit [ECF 23] is GRANTED.

SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE